

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DIMAS LOPEZ, et al.,)	
)	
Plaintiffs,)	8:06CV459
)	
vs.)	ORDER
)	
TYSON FOODS, INC.,)	
)	
Defendant.)	

This matter is before the court on the defendant's Motion to Withdraw and Substitute Affidavit (Filing No. 20). The defendant states it inadvertently filed the wrong version of the affidavit for Suzann Ekberg, which was attached to the defendant's answer in support of the defendant's NECivR 40.1 (b) request for a change in the place of trial. Upon consideration,

IT IS ORDERED:

1. The defendant's Motion to Withdraw and Substitute Affidavit (Filing No. 20) is granted.
2. The Clerk of Court shall modify the docket text to strike Exhibit 1 to Filing No. 19 and to reflect the correct affidavit is found as Attachment A to Filing No. 20.
3. The plaintiffs shall have until **September 11, 2006**, to file a response to the request for a change in the place of trial. Thereafter, the defendant shall have five days to file a reply.

DATED this 25th day of August, 2006.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge